

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SARAH JOHNSTON)	CASE NO: 5:14-cv-1676
10359 Knowlton Rd.)	
Garrettsville, OH 44231)	JUDGE _____
)	
Plaintiff,)	
)	
v.)	
)	
PREMIER RECOVERY GROUP, INC.)	JURY TRIAL DEMANDED
c/o Joey Younger)	
191 North Street, Suite 110)	
Buffalo, NY 14201)	
)	
and)	
)	
JOEY M. YOUNGER)	
191 North Street, Suite 110)	
Buffalo, NY 14201)	
)	
Defendants.)	

COMPLAINT

NOW COMES PLAINTIFF, **SARAH JOHNSTON**, by and through the undersigned counsel, and for his complaint against Defendants **PREMIER RECOVERY GROUP, INC.** and **JOEY M. YOUNGER**, alleges and states as follows:

INTRODUCTION

1. This is an action for statutory damages brought by Plaintiff, SARAH JOHNSTON, an individual consumer, against PREMIER RECOVERY GROUP, INC. and JOEY M. YOUNGER (collectively “Defendants”), for violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. (the “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices, and which creates a private right of action to redress violations thereof.
2. It is also for corollary claims under Ohio’s Consumer Sales Practices Act, R.C. §1345 *et seq.* (“CSPA”).

VENUE AND JURISDICTION

3. The action arises under 15 U.S.C. §1692, a federal statute, and thus this Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §1331.
4. Venue is properly laid in this District pursuant to 28 U.S.C. §1391 in that Defendants transact business in this District and the cause of action asserted herein arose in this District.

PARTIES

5. SARAH JOHNSTON is, and was at all relevant times herein, a resident of Portage County, Ohio.
6. SARAH JOHNSTON is a “consumer” as that term is defined under the FDCPA 15 U.S.C. §1692a(3) and the CSPA.
7. PREMIER RECOVERY GROUP, INC. is a New York corporate entity, which is not registered to do business in Ohio, but which is attempting to collect debts or otherwise obtain funds from Ohio consumers.

8. PREMIER RECOVERY GROUP, INC. is a “debt collector” as that term is defined in 15 U.S.C. §1692a(6) and a “supplier” under the CSPA.
9. JOEY M. YOUNGER is a New York resident, who is the CEO of PREMIER RECOVERY GROUP, INC.
10. JOEY M. YOUNGER is a “debt collector” as that term is defined in 15 U.S.C. §1692a(6) and a “supplier” under the CSPA.

FACTS.

11. Defendants began calling Sarah Johnston on or about June 5, 2013.
12. Defendants called for the purpose of attempting to collect an alleged debt.
13. On or about the same date, Defendants called Ms. Johnston’s mother-in-law, Sharon Johnston.
14. During this call, Defendants discussed private information of Ms. Johnston related to her alleged debt.
15. In calls and messages, Defendants threatened legal action against Ms. Johnston and her social security number.
16. Defendants misrepresented facts related to the alleged debt (such as the nature, its ownership, and amount of the debt) and their intentions with respect thereto.
17. Defendants’ actions caused Ms. Johnston embarrassment and other emotional damage.
18. In connection with the facts, events, and averments herein, Defendants acted willfully and maliciously, with spite and ill will, and/or with reckless disregard for Plaintiff’s rights and safety.

FIRST CLAIM FOR RELIEF
(FDCPA Violations)

19. Plaintiff re-alleges and incorporates by reference each and every preceding paragraph as if fully rewritten herein.
20. Defendants (individually and/or collectively) violated §1692b(1) by contacting a third party and failing to properly identify themselves.
21. Defendants (individually and/or collectively) violated §1692c(b) by contacting a third party about Ms. Johnston's debt.
22. Defendants (individually and/or collectively) violated 15 U.S.C. §1692d generally by engaging in the conduct described herein and other conduct to be proven at trial, which had the natural consequences to "harass, oppress, or abuse" Ms. Johnston in connection with the collection of the alleged debt.
23. Defendants (individually and/or collectively) violated 15 U.S.C. §1692d(5) by causing Ms. Johnston's phone to ring with intent to annoy, abuse, or harass.
24. Defendants' conduct violated 15 U.S.C. §1692e in that Defendants used false, deceptive, or misleading representation or means in connection with the collection of any debt.
25. Defendants (individually and/or collectively) violated 15 U.S.C. §1692e(5) by threatening legal action that could not be legally taken and that they did not intend to take.
26. Defendants (individually and/or collectively) violated 15 U.S.C. §1692e(7) by falsely representing or implying that the Plaintiff committed a crime, or other conduct, in order to disgrace her.
27. Defendants (individually and/or collectively) violated 15 U.S.C. §1692e(10) by using deceptive means to collect a debt as described herein.

28. Defendants (individually and/or collectively) violated 15 U.S.C. §1692f generally by engaging in the conduct described herein and other conduct to be proven at trial, which is unfair and unconscionable.
29. Defendants (individually and/or collectively) violated 15 U.S.C. §1692g by not providing a written notice within five days after initial communication with the Plaintiff.
30. Defendants (individually and/or collectively) violated the FDCPA in other ways as described herein and to be proven at trial.
31. Under the FDCPA, Sarah Johnston is entitled to recover statutory damages, actual, damages, attorney fees, and costs for the violations described herein.

SECOND CLAIM FOR RELIEF
(CSPA Violations)

32. Plaintiff re-alleges and incorporates by reference each and every preceding paragraph as if fully rewritten herein.
33. As described herein and to be proven at trial, Defendants engaged in unfair and deceptive acts in violation of R.C. §1345.02 *et seq.*
34. As described herein and to be proven at trial, Defendants engaged in unfair and unconscionable acts in violation of R.C. §1345.03 *et seq.*
35. Specifically as described above, Defendants engaged in conduct which violates the FDCPA.
36. By violating the FDCPA, Defendants have violated CSPA.
37. Each of Defendants' violations of the FDCPA is a separate violation of the CSPA.
38. The Public Inspection File of the Ohio Attorney General contains cases declaring the acts and practices described herein to be illegal.

39. Under the CSPA, Defendants are liable to Sarah Johnston for treble actual damages or \$200 per violation, up to \$5,000 for emotional and other noneconomic damages, plus costs and attorney fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays as follows:

- A. That this Court award to Sarah Johnston statutory damages of \$1,000 from Defendants herein for their various violations of the FDCPA.
- B. That this Court award to Sarah Johnston the greater or treble actual damages or statutory damages of \$200 each for violations of the CSPA.
- C. That this Court award to Sarah Johnston \$5,000 for noneconomic damages pursuant to R.C. 1345.09(B).
- D. That this Court award to Sarah Johnston actual damages in an amount to be proven at trial, including for emotional distress, annoyance, aggravation, loss of reputation, embarrassment, damage to credit, depression, anxiety, sleep deprivation, loss of appetite, and associated physical ailments.
- E. That this Court award attorney's fees, costs, and interest to Sarah Johnston pursuant to the FDCPA, CSPA, and other applicable law.
- F. That this Honorable Court awards to Sarah Johnston such other and further relief as may be just and equitable.

Respectfully submitted,

s/ Michael L. Fine

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JURY DEMAND

Plaintiff hereby requests a trial by jury as to all issues of fact in this action.

s/ Michael L. Fine
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